

Abstrakt v anglickém jazyce (summary overview)

Diploma thesis Bankruptcy: the role of business valuation focuses on intersection of two disciplines – Business valuation and Bankruptcy law – the field still not widely discovered and depicted.

The main aim is to reveal and organize main themes of business valuation connected to bankruptcy based on property overburden with debt. As the case may be, solution proposal.

Thesis describes, both in economical and legal point of view institute of insolvency, type of bankruptcy - overburden with debt, methods of business and property valuation, reveal and organization of main themes of business valuation connected to bankruptcy based on property overburden with debt – themes connected to the stage before the bankruptcy is declared and themes connected to the stage after bankruptcy declaration. Main themes are analyzed and solved. Part of the thesis is synthesis still.

Analysed intersection is characterised by group of mainly heterogeneous problems, in common, described as problems solvable with similar instruments of solution. Both groups – insolvency law and business valuation are relatively young disciplines with wider, significant areas still unsettled and alive. Main themes of business valuation associated to bankruptcy based on property overburden with debt – themes associated to the stage before the bankruptcy is declared are at least: questions in management before the insolvency is spoken; the fact, that the law definition of insolvency – overburden with debt - can be achieved just by a decrease in property appraisal; insolvency bullying; liability for damage during unjustified insolvency proposal and problems connected to incorrectly made appraisals.

The core of solution of the themes connected to the stage before the bankruptcy is declared seems to be in education – informational basis based on qualifications in variety of appraisal methods, increase of eye-witness' proficiency and respect to disciplines' restrictive policies. For problems related to the stage after bankruptcy is declared – particularly problems associated to demarcation of property of bankrupt, valuation of receivables and structures, property liquidation, prospectively shake-out of debtor's business is typical, that these problems can be solved through independency of valuator, appraisal standards, standard instruments of liability for damage, due diligence and empiric data based attitudes to appraisal.